

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

IN RE:

CASE NO.:

BRYAN N. SODEN
CATHERINE BRIDGET SODEN
DEBTOR(S)

12-1765-8-JRL

CHAPTER 13

MOTION TO SURRENDER PROPERTY

NOW COMES the Debtor, by and through counsel, and moves to surrender the following personal property:

1. Debtor's Personal Property:
All personal property referenced in Proof of Claim Number 11 filed by Capital One, NA still in the possession of Debtors.
Petition Value: \$300.00
Secured Claim: \$1,287.06

The Debtor requests that the Trustee make no further disbursements to the secured creditor, Capital One, NA.

DATED: 3/1/13

JAMES S. PRICE & ASSOCIATES, P.A.
5725 Oleander Drive, C-3
Post Office Box 3006
Wilmington, North Carolina 28406
Telephone: (910) 791-9422
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BY: s/ James S. Price
JAMES S. PRICE
N.C. Bar No. 32304

Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT
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NOTICE OF MOTION

NOTICE IS HEREBY GIVEN of the Debtors' Motion to Surrender Property filed simultaneously herewith in the above-captioned case, a copy of which Motion is attached hereto; and

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then on or before March 18, 2013, unless otherwise ordered, you and your attorney must file with the Court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at: U.S. Bankruptcy Court, 1760-A Parkwood Blvd. West, Wilson, North Carolina 27893-3564. (As a Filing User of the Court's Electronic Case Filing System you may be required to electronically file a response). If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. You must also mail a copy to the attorney whose name appears at the bottom of this notice, to the bankruptcy administrator, and to other parties in interest.

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the Motion at a date and time and place to be later set and all parties will be notified accordingly. Any party filing a response to the Motion shall appear at any hearing in support of the motion or may be assessed with costs.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting the relief.

DATED: **3/1/13**

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Attorneys for Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he is over eighteen (18) years of age, and that the

NOTICE AND MOTION TO SURRENDER PROPERTY

in the above captioned case was this day served upon the below named persons as follows:

By electronic service through CM/ECF:

By mailing, postage prepaid, first class mail, or by certified mail return receipt requested if indicated below, or by facsimile if indicated below, of a copy of such instrument to such persons, parties and/or counsel at the address shown below:

Capital One, N.A.
c/o Bass & Associates, P.C.
Attn: Managing Officer/Agent
3936 E. Ft. Lowell Road, Suite #200
Tucson, AZ 85712

Richard M. Stearns
Chapter 13 Trustee
1015 Conference Drive
Greenville, NC 27858

Bryan N. Soden
Catherine Bridget Soden
7143 Ontario Road
Wilmington, NC 28412

Dated: 3/1/13

JAMES S. PRICE & ASSOCIATES, P.A.

s/ James S. Price
P.O. Box 3006
Wilmington, NC 28406
(910)791-9422